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IN THE UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

SARAH C. DOZIER, as Administrator of
the Estate of KATHRYN JOHNSTON,

Plaintiff,

v.

CITY OF ATLANTA, a Municipal
Corporation of the State of Georgia;
GREGG JUNNIER, Individually and in his
official capacity as a Police Officer of the
City of Atlanta;
JASON R. SMITH, Individually and in his
Official capacity as a Police Officer of the
City of Atlanta;
ARTHUR TESLER, Individually and in his
Official capacity as a Police Officer of the
City of Atlanta;
SGT. W.T. STALLINGS, Individually and in
his official Capacity as a Police Officer of the
City of Atlanta;
LT. S. GIBBS, Individually and in her official
Capacity as a Police Officer of the
City of Atlanta;
RICHARD PENNINGTON, Individually and
in his official capacity as Chief of Police of the
City of Atlanta Police Department;
Maj. PEARLENE WILLIAMS, Individually
And in her official capacity as a Police Officer
of the City of Atlanta;
ASST. CHIEF DREHER, Individually and in
his official capacity as a Police Officer of the
City of Atlanta;
Maj. E.R. FINLEY, Individually and in his
official capacity as a Police Officer of the
City of Atlanta;

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DEC 16 2009

JAMES A. HATTEN, Clerk
By: 
Deputy Clerk

) CIVIL ACTION FILE
)
NO. 1:08-CV-0007-MHS

MAJOR MATHIS, Individually and in his)
official capacity as a Police Officer of the)
City of Atlanta;)
MAJOR BROOKS, Individually and in his)
official capacity as a Police Officer of the)
City of Atlanta)
DEPUTY CHIEF PETER ANDRESEN,)
Individually and in his official capacity as a)
Police Officer of the City of Atlanta; and)
MAJOR C.J. DAVIS, Individually and in her)
official capacity as a Police Officer of the)
City of Atlanta.)
Defendants.)

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MOTION FOR SUMMARY JUDGMENT

Pursuant Rule 56 of the Federal Rules of Civil Procedure, Defendants the City of Atlanta, Richard Pennington, Chief of Police for the City of Atlanta, Lt. Stacie Gibbs, Maj. Pearlene Williams, Asst. Chief Alan Dreher, Maj. E.R. Finley, Maj. John Mathis, Maj. Marion Brooks, Deputy Chief Peter Andresen and Maj. C.J. Davis (hereinafter "City Defendants"), respectfully move this Court for judgment in their favor on all counts of Plaintiff's Amended Complaint in the above-styled action. Defendants Gregg Junnier, Jason R. Smith, Arthur Tesler and Sgt. W.T. Stallings have separate counsel and are not represented by the Atlanta City Attorney. Former police officers Gregg Junnier, Jason R. Smith, Arthur Tesler committed criminal acts and violated their oaths of office. Junnier, Smith and Tesler are now serving time in federal prison for those acts. There are no issues of material fact that will preclude this Court from deciding the case as a

matter of law. Accordingly, the City Defendants' Motion for Summary Judgment should be granted.

Respectfully submitted this 16th day of December 2009.

R. ROGER BHANDARI

City Attorney

Georgia Bar No. 056340

BY:

DENNIS M. YOUNG

Senior Assistant City Attorney

Georgia Bar No. 781744

STEPHEN A. POWER

Associate City Attorney

Georgia Bar No. 600565

Attorneys for City Defendants

Chief of Police Richard Pennington,

Asst. Chief Alan Dreher, Deputy

Chief Peter Andresen, Maj. Pearlene

Williams, Maj. Marion L. Brooks

(ret.), Maj. E.R. Finley, Maj. John

Mathis, Maj. C.J. Davis and Lt. Stacie

Gibbs

CITY OF ATLANTA LAW DEPARTMENT

68 Mitchell Street, SW, Suite 4100

Atlanta, GA 30303

(404) 330-6567 (telephone)

(404) 546-8581 (facsimile)

dmyoung@atlantaga.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SARAH DOZIER, as Administrator of)
the Estate of KATHRYN JOHNSTON,)
)
)
Plaintiff,)
)
)
v.)
)
)
CITY OF ATLANTA, et al.,)
)
)
Defendants.)

CIVIL ACTION CASE NO.
1:08-CV-00007-MHS

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2009, I filed the foregoing
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT with the Clerk of Court via
hand delivery. I have also this day served counsel for the opposing parties with a
copy of the within and foregoing by depositing it in the U.S. Mail with proper
postage, addressed to Plaintiff's attorneys of record as follows:

Hezekiah Sistrunk, Jr., Esq.
Jane Lamberti Sams, Esq.
Shean Williams, Esq.

COCHRAN, CHERRY, GIVENS, SMITH, SISTRUNK & SAMS, P.C.
800 The Candler Building
127 Peachtree Street, N.E.
Atlanta, GA 30303

[continued on next page]

William Mitchell, Esq.
CRUSER & MITCHELL, LLP
Meridian II, Suite 2000
275 Scientific Drive
Norcross, GA 30092

Nicholas C. Moraitakis, Esq.
MORAITAKIS, KISHEL, PEARSON & GARDNER, LLP
3445 Peachtree Road, N.E., Suite 425
Atlanta, GA 30326

Additionally, a true and correct copy of the foregoing **DEFENDANTS'** **MOTION FOR SUMMARY JUDGMENT** was placed in an envelope with adequate postage affixed thereto and mailed to:

Arthur Tesler, *pro se*
4014 Caddie Drive
Acworth, Georgia 30101

Gregg Junnier (59088-019)
FCI Coleman Medium
Federal Correction Institution
Post Office Box 1032
Coleman, FL 33521

Jason R. Smith (59089-019)
FCI Fairton
Federal Correctional Institution
Post Office Box 420
Fairton, NJ 08320

[continued on next page]

Wilbert Stallings (05587-019)
FMC Devens
Federal Medical Center
Post Office Box 879
Ayer, MA 01432


DENNIS M. YOUNG
Senior Assistant ~~City Attorney~~
Georgia Bar No. 781744

CITY OF ATLANTA LAW DEPARTMENT
68 Mitchell Street, SW, Suite 4100
Atlanta, GA 30303
(404) 330-6567 (telephone)
(404) 546-8581 (facsimile)
dmyoung@atlantaga.gov